

## **EXHIBIT 9**

**From:** Conti, Chris  
**Sent:** Thursday, February 21, 2019 8:48 AM  
**To:** Katherine Cartoski - QMAAA <katherine.obrien@gsa.gov>  
**Cc:** Joseph <joseph.continetti@gsa.gov>; Dallas Brewer - QMAAA <dallas.brewer@gsa.gov>; Moore, Danielle <dmoore@fisherphillips.com>; Olsen, Aaron <aolsen@fisherphillips.com>  
**Subject:** RE: FOIA GSA-2018-000823

Dear Ms. Cartoski:

I am following up on your December 31, 2018 email regarding the above-referenced FOIA request, which was submitted to the GSA on **February 23, 2018**.

This morning, I received what appears to be an automatic message indicating that my client's request was summarily denied because the GSA did not receive payment of fees:

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 Thu 2/21/2019 4:41 AM  
no-reply@foiaonline.gov  
Final Disposition, Request GSA-2018-000823  
To: Conti, Chris  
You forwarded this message on 2/21/2019 8:11 AM.

GSA-2018-000823 has been processed with the following final disposition: Fee-Related Reason

Mr. Chris Conti FOIA request GSA-2018-000823 did not respond to the Fee Assurance Letter forwarded to him on January 28, 2019. Specifically, GSA did not receive payment by the due date of February 19, 2019. Since the requester did not respond in a timely manner, the FOIA request has been cancelled.

We have no record of receiving a Fee Assurance Letter. The last communication we received from the GSA was your December 31<sup>st</sup> email. Before that, we received an email from Mr. Brewer on November 28, 2018, which indicated that the OCIO's office had provided the requested communications to the GSA. Mr. Brewer stated that he would be in touch by the end of the week to discuss if the documents could be "broken

out into segregable portions," yet we also did not receive a follow-up communication on that issue.

SoCal Penske has been patiently waiting for over a year to receive these documents, which are critical evidence in pending litigation. Accordingly, SoCal Penske demands that the GSA provide a copy of the Fee Assurance Letter now and extends the deadline to respond.

I can be reached at 858-597-9623 if you wish to discuss.

Sincerely,



**Christopher Conti**  
Attorney at Law  
Fisher & Phillips LLP  
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